Instructions

The attached template is provided as a resource to assist Ohio local agencies in developing and implementing their ADA Transition Plan.

Under Title II of the Americans with Disabilities Act (ADA), public services, programs and activities are required to be accessible to individuals with disabilities. Compliance includes conducting a self-evaluation to identify any accessibility obstacles or issues that need to be addressed with regard to communications, building facilities and pedestrian facilities. In addition, public entities that employ 50 or more persons* are required to:

- Designate an ADA Coordinator.
- Establish a grievance procedure to allow for prompt resolution of accessibility concerns.
- Establish a transition plan for taking the steps necessary to achieve compliance with the Americans with Disabilities Act.
- Monitor implementation of the transition plan, and update the plan periodically as needed.

Please feel free to adapt or modify the template document to suit your agency’s needs. It’s likely that there will be a need to add information or details in order to complete your transition plan. If your agency has not yet conducted an ADA self-evaluation, this process will also need to be completed in order to prepare your transition plan. The template includes discussion and information about the self-evaluation process.

In lieu of using the attached template, your agency may choose instead to:

- Use other sample plans or examples to develop your transition plan.
- Utilize consultants to develop your transition plan.

The ultimate responsibility for ADA compliance rests with each agency or jurisdiction. Please review your completed ADA Transition Plan with your agency’s legal counsel or risk management team prior to proceeding with implementation.

*Public entities that employ less than 50 persons are still responsible for providing accessibility per the ADA, but are not required to formally establish a transition plan. Businesses and non-profit organizations are required to comply with accessibility requirements for places of public accommodation (see ADA Title III – 28 CFR Part 36.304).
Supporting Discussion & Additional Resources

ADA Self-Evaluation Process & Common Compliance Issues
Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act. To ensure that this goal is met, Title II of the ADA requires State and local governments to make their programs and services accessible to individuals with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In addition, governmental entities must ensure effective communication – including the provision of necessary auxiliary aids and services – so that individuals with disabilities can participate in civic life.

One important way to ensure that Title II's requirements are being met is through the self-evaluation process, which is required by the ADA regulations. Self-evaluation enables public agencies to pinpoint the facilities, programs and services that must be modified or relocated to ensure that agencies are complying with the ADA.

Please refer to the U.S. Department of Justice publication, The ADA and City Governments: Common Problems for a detailed discussion of some of the issues, misconceptions and challenges encountered by local agencies regarding various ADA topics, including:

- Uncertainty regarding applicability of ADA requirements
- Program accessibility
- Historically significant facilities
- Curb ramps
- Effective communication
- Self-evaluation and transition plan

This document contains a sampling of common problems shared by public entities that were identified through the Department of Justice's ADA enforcement efforts. Although it primarily refers to cities, the examples and supporting analyses are equally applicable to other types of local agencies. The DOJ publication ADA Guide for Small Towns is also helpful and refers to smaller agencies.

Making the Built Environment Accessible
The Americans with Disabilities Act requires public agencies to ensure that all of their programs, services, and activities, when viewed in their entirety, are accessible to individuals with disabilities. In addition, the ADA requires that all new facilities built by public entities must be accessible to and usable by people with disabilities.
Questions often arise regarding how to address the accessibility of existing facilities, such as older buildings. A helpful discussion of this topic is provided in the U.S. Department of Justice publication, *ADA Update: A Primer for State and Local Governments*. Excerpts from the chapter on *Making the Built Environment Accessible* are provided as follows.

**Access to Programs and Services in Existing Facilities**

The ADA's regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible. Only elements that are built-in (fixed in place) are addressed in the Standards. While the updated 2010 Standards, which became effective on March 15, 2012, retain many of the original provisions in the 1991 Standards, there are some significant differences. The Standards are used when determining if a public entity's programs or services are accessible under the ADA. However, they apply differently depending on whether the entity is providing access to programs or services in existing facilities or is altering an existing facility or building a new facility.

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no “grandfather clause” in the ADA that exempts older facilities. However, the law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. It allows entities confronted with limited financial resources to improve accessibility without excessive expense.

In the years since the ADA took effect, public facilities have become increasingly accessible. In the event that changes still need to be made, there is flexibility in deciding how to meet this obligation – structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner. For example:

- In an elementary school without an elevator, a teacher can be assigned to a first floor classroom if the class includes a student with a mobility disability.

- A social service agency located in an inaccessible facility can make arrangements to meet with an applicant or client with a mobility disability at an alternate location that is accessible.

- If an application for a particular city program must be made in person at an inaccessible office, the city could allow a person with a mobility disability to complete and submit the application by mail or email.
• If a public library is inaccessible, staff can provide curb-side service for a patron with a mobility disability to check out and return books.

Structural changes are not required where other solutions are feasible. However, where other solutions are not feasible, structural changes are required. When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the Standards to the maximum extent feasible. For example, if there is not enough space to install a ramp with a slope that complies with the Standards, a public entity may install a ramp with a slightly steeper slope. However, deviations from the Standards must not pose a significant safety risk. In addition, public entities are not required to take any action that would threaten or destroy the historic significance of an historic property.

Whatever method is chosen, the public entity must ensure that people with disabilities have access to programs and services under the same terms and conditions as other people. For example:

• If a social service agency meets with clients in a private office on the second floor of a building without an elevator, a public area on the first floor is not an acceptable alternate location to meet with a client who has a mobility disability. The alternate location must provide the same degree of privacy as the regular location.

• If a court has ordered a person with a mobility disability to participate in a group anger-management program, and the program is located in an inaccessible facility, it is not acceptable to offer the program to him individually in an accessible location, because the group interaction is a critical component of the program.

There are limits to a public entity's program access obligations. Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

**Alterations**

When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards. An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or
elements, changing or rearranging plan configuration of walls and full-height or other fixed partitions, or making other changes that affect (or could affect) the usability of the facility. Examples include restriping a parking lot, moving walls, moving a fixed ATM to another location, installing a new service counter or display shelves, changing a doorway entrance, or replacing fixtures, flooring or carpeting. Normal maintenance, reroofing, painting, wallpapering, or other changes that do not affect the usability of a facility are not considered alterations.

The 2010 Standards set minimum accessibility requirements for alterations. In situations where strict compliance with the Standards is technically infeasible, the entity must comply to the maximum extent feasible. “Technically infeasible” is defined as something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or additions that comply fully with the Standards. The 2010 Standards also contain an exemption for certain alterations that would threaten or destroy the historic significance of an historic property.

New Construction

The ADA requires that all new facilities built by public entities must be accessible to and usable by people with disabilities. The 2010 Standards set out the minimum accessibility requirements for newly constructed facilities.

Please refer to the *ADA Update: A Primer for State and Local Governments* for additional information.

**The Importance of Documentation**

Documentation is an essential component for achieving ADA compliance – from conducting the self-evaluation and preparing the transition plan, to moving forward with implementing accessibility improvements. Documentation is especially important if situations of “technical infeasibility” are encountered. As mentioned on the previous page, from the section on Access to Programs and Services in Existing Facilities:

“When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the Standards to the maximum extent feasible . . . .”

The text box shown on the next page lists some of the situations where technical infeasibility may be encountered. Documentation is especially important in these instances.
A number of public agencies have developed forms, worksheets or guidelines to assist with documentation regarding specific issues of technical infeasibility or ADA accessibility constraints. Several examples are provided per the following web links.

- City of Cincinnati, Ohio
- City of Portland, Oregon
- Hawaii Department of Health
- Michigan Department of Transportation

Additional guidance is provided in the U.S. Access Board’s Technical Guide on **ADA Scoping: Alterations and Additions**.

**The Importance of Training**

Training is an important tool for ensuring compliance with ADA requirements, and can be very helpful to personnel involved in conducing the self-evaluation and completing the transition plan. Agencies are encouraged to identify resources and opportunities for employees at various levels to receive ADA-related training appropriate to their job functions.

Many local disability organizations conduct ADA trainings in their communities, and ADA workshops are also periodically scheduled through the Local Technical Assistance Program (LTAP) Centers, the National Highway Institute, and other training providers. In addition, a variety of ADA webinars and online courses are also available. Several examples of these training resources are listed on the [ADA Training webpage](http://www.adannationalnetwork.org) of the ADA National Network website.

When you are ready to proceed with developing your ADA Transition Plan, these six introductory pages of front matter (pages i through vi) can be removed from the customizable Word version of the template. Please also rename the Word document (or save it with an updated file name) to include the name of your agency.

*While the attached Transition Plan template is provided as a resource to assist local agencies, the ultimate responsibility for ADA compliance rests with each agency or jurisdiction. Please review your completed ADA Transition Plan with your agency’s legal counsel or risk management team prior to proceeding with implementation.*
Americans with Disabilities Act (ADA) Transition Plan

Agency Name, Ohio

Month Day, 20XX

Add Agency Logo

Agency Office Address

Agency Phone Number & Email Address

Agency Web Address
Introduction

Transition Plan Need and Purpose
The *Americans with Disabilities Act (ADA)* is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990, and was amended in 2008 with the ADA Amendments Act. The ADA consists of five titles outlining protections in the following areas:

I. Employment  
II. State and local government services  
III. Public accommodations  
IV. Telecommunications  
V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services provided by public entities. Agency Name must comply with this section of the Act, as it specifically applies to public service agencies. Title II of ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”  
(42 USC Sec. 12132; 28 CFR Sec. 35.130)

As required by Title II of ADA (28 CFR Part 35 Sec. 35.105 and Sec. 35.150), Agency Name has conducted a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way; and has developed this Transition Plan detailing the methods to be used to ensure compliance with ADA accessibility requirements.

ADA and its Relationship to Other Laws
Title II of ADA is companion legislation to two previous federal statutes and regulations: the *Architectural Barriers Act (ABA) of 1968* and *Section 504 of the Rehabilitation Act of 1973*.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.
ADA Transition Plan for Agency Name

Agency Requirements
Under Title II, Agency Name must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [28 CFR Sec. 35.150].
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [28 CFR Sec. 35.130 (a)].
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [28 CFR Sec. 35.130(b)(7)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [28 CFR Sec. 35.130(b)(iv) & (d)].
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [29 CFR Sec. 35.160(a)].
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107(a)]. This person is typically referred to as the ADA Coordinator. The public entity must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals [28 CFR Sec. 35.107(a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35.106]. The notice must include the identification of the employee serving as the ADA Coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

Designation of Responsibility
In accordance with 28 CFR 35.107(a), the Agency Name has designated the following person to serve as ADA Title II Coordinator, to oversee the City's/County's policies and procedures:

Name ______________________________      Job Title ______________________________
In accordance with 28 CFR 35.150(d)(3), the Agency Name has designated the following person to serve as ADA Transition Plan Implementation Coordinator, to monitor the City's/County's progress and manage review and updates of this document:

Name ______________________________      Job Title ______________________________

Contact information is provided in Appendix E.

Training is an important tool for ensuring compliance with ADA requirements. The ADA Coordinators will identify resources and opportunities for agency employees at various levels to receive ADA-related training appropriate to their job functions.

Self-Evaluation

Overview

Under Title II of the ADA (28 CFR Sec. 35.105), public entities are required to perform a self-evaluation of their current services, policies and practices with regard to accessibility. The goal of the self-evaluation is to verify that, in managing its programs and facilities, the agency is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The intent of the ADA self-evaluation is to review the agency’s entire public program, including all facilities on public property and within public rights-of-way, in order to identify any obstacles or barriers to accessibility that need to be addressed. The general categories of items to be evaluated include:

- Communications, Information & Facility Signage.
- Building Facilities – these include offices, garages and other types of buildings.
- Pedestrian Facilities (Pedestrian Circulation Routes / Pedestrian Access Routes) – these include sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and bus stops (and/or other transit facilities) that are located within the City/County rights-of-way.

Public entities are required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments [28 CFR Sec. 35.105(b)].

Furthermore, a public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
Process & Findings

In Month or Timeframe of Year, the Agency Name completed a self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way with regard to accessibility. Detailed inventories and findings from this review are provided in Appendix A, under the headings of Communications (A1), Building Facilities (A2) and Pedestrian Facilities (A3).

An important component of the self-evaluation process is the identification of obstacles or barriers to accessibility, and the corresponding modifications that will be needed to remedy these items. The following sections provide a summary of improvements that have already been made, and obstacles that the City/County plans to address as part of this Transition Plan.

Communications, Information & Facility Signage

Title II of ADA includes the following requirements regarding Communications.

General (28 CFR Sec. 35.160)

- A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.
- In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

Information and Signage (28 CFR Sec. 35.163)

- A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

Other examples of important communication items/devices include Accessible Pedestrian Signals (APS) used at intersections, and signs, pavement markings and other traffic control devices used to provide advance warning and positive guidance in the vicinity of construction,
maintenance or utility work areas/zones that impact sidewalks, crosswalks or other pedestrian access routes. The Pedestrian Checklist and Considerations for Temporary Traffic Control Zones provides an overview of pedestrian-related considerations to enhance safety and accessibility for these types of situations. Appendix A3 of this Transition Plan provides additional information about communication items related to Pedestrian Facilities / Public Rights-of-Way.

In recent years, the City/County has implemented the following accessibility improvements with regard to communications, information and facility signage:

- List examples of improvements/accomplishments as applicable
- ...
- ...

The City/County has conducted a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The findings from this evaluation are provided in Appendix A1.

**Improvement Schedule**
Moving forward, the Agency Name plans to implement improvements for the following items that have been identified as potential obstacles to accessibility.

<table>
<thead>
<tr>
<th>Item/Description</th>
<th>Accessibility Concern</th>
<th>Improvement Method</th>
<th>Schedule</th>
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**Building Facilities and Related Parking Lots/Facilities**
The Agency Name is responsible for the following buildings:

- Building 1 – Name and Address
- Building 2 – Name and Address
- ...
- ...

ADA Transition Plan for **Agency Name**

5
In recent years, the City/County has implemented the following accessibility improvements to its building facilities:

- List examples of improvements/accomplishments as applicable
- ...
- ...
- ...

The City/County has conducted a detailed accessibility evaluation of each of its building facilities, and related parking lots/areas, based on the ADA Checklist for Existing Facilities publication and/or, list other established resources. The findings from this evaluation are provided in Appendix A2. The accessibility barriers/issues identified as currently existing have been ranked in order of priority for improvement.

**Improvement Schedule**

Moving forward, the Agency Name plans to implement improvements for the following items that have been identified as potential obstacles to accessibility.

<table>
<thead>
<tr>
<th>Building Facilities and Related Parking Lots/Facilities</th>
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<tbody>
<tr>
<td><strong>Schedule</strong></td>
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<tr>
<td>Year 1 (20XX)</td>
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<tr>
<td>Year 2 (20XX)</td>
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<tr>
<td>Years 3 – 5 (20XX to 20XX)</td>
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</tbody>
</table>

**Pedestrian Facilities / Public Rights-of-Way**

As part of the self-evaluation process, Agency Name has conducted an inventory and evaluation of pedestrian facilities within its public rights-of-way, which consist of the following:

- XX miles of sidewalks
- XX curb ramps
- XX crosswalks
• XX miles of bicycle/pedestrian trails
• XX traffic control signals
• XX bus stops (and/or other transit facilities)
• XX other

A detailed evaluation of these facilities with regard to accessibility compliance is provided in Appendix A3, and will be updated annually or, every ___ years.

**Previous Practices**

Since the adoption of the ADA, Agency Name has striven to provide accessible pedestrian features as part of the City's/County's capital improvement projects. As additional information was made available regarding the methods of providing accessible pedestrian features, the City/County updated its procedures to accommodate these methods.

In recent years, the City/County has implemented the following accessibility improvements to its pedestrian facilities:

- List examples of improvements/accomplishments as applicable
- ...
- ...

**Methodology**

Agency Name will utilize two methods for upgrading pedestrian facilities to current ADA standards. The first and most comprehensive method is through scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. A current listing of these scheduled projects is included in Appendix B.

The second method is through specific sidewalk and ADA accessibility improvement projects that are identified individually. These projects will be incorporated into the Capital Improvement Program (CIP) on a case-by-case basis as determined by Agency Name staff. The City/County CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix B.

**Policy**

The Agency Name's goal is to continue to provide accessible pedestrian design features as part of its capital improvement projects. The City/County has adopted ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up-to-date with nationwide and local best management practices.
The City/County will consider and respond to all accessibility improvement requests. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities. The City/County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City/County jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public rights-of-way will continue to follow the policies set forth by the City/County. Examples of typical maintenance items relating to accessibility include: snow removal and ice control for sidewalks, sidewalk repair policy, renewal of crosswalk markings, and signal hardware. Detailed information is provided in Appendix A3.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator or Transition Plan Implementation Coordinator. Contact information is provided in Appendix E.

**Priority Areas**
Agency Name has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas as identified in the self-evaluation are as follows:

- Area 1
- Area 2
- Area 3

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

**External Agency Coordination**
Many other agencies are responsible for pedestrian facilities within the jurisdiction of Agency Name. The City/County will coordinate with those agencies to assist with identifying and facilitating elimination of accessibility barriers along their routes.

**Improvement Schedule**
Agency Name has established the following schedule of goals for improving the accessibility of its pedestrian facilities within the City/County jurisdiction:

(Adjust for specific agency goals; below is one example.)

- Within 5 years (20XX to 20XX), 100% of the pedestrian facility features constructed after January 26, 1991 are to be ADA compliant.
Within 10 years (20XX to 20XX), 80% of all pedestrian facility features (including those constructed on or before January 26, 1991) within the priority areas identified by City/County staff are to be ADA compliant.

Within 20 years (20XX to 20XX), 80% of all pedestrian facility features (including those constructed on or before January 26, 1991) within the entire jurisdiction of City/County are to be ADA compliant.

Based on results from the self-evaluation of pedestrian facilities, the Agency Name has prepared a curb ramp installation schedule to address specific locations where accessibility improvements are needed. A copy of this schedule is included in Appendix A3.

Public Outreach

Agency Name recognizes that public participation is an important component in the development of this transition plan. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of Agency Name.

Public outreach for preparation of this document has consisted of the following activities:

Insert summary of outreach items here.

This document was also made available for public comment. Appendix C provides a summary of comments received and detailed information regarding the public outreach activities.

Public Notice of ADA Requirements and Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities with regard to ADA compliance. A draft of this public notice is provided in Appendix D.

If users of Agency Name’s facilities and services believe the City/County has not provided a reasonable accommodation, they have the right to file a grievance. In accordance with 28 CFR Sec. 35.107(b), the City/County has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens’ complaints or concerns. This grievance procedure is outlined in Appendix D.

Progress Monitoring and Transition Plan Management

This Transition Plan is considered to be a living document that will continue to be updated as conditions within the City/County evolve. The initial schedule is to formally review the complete document (main body and appendices) at least once per year, to identify any need for updates. Updates to the appendices or attachments may be made more frequently as needed.
Any substantive updates to the main body of this document will include a public comment period to continue the City's/County's public outreach efforts.

The [Agency Name] recognizes that ADA compliance is an ongoing responsibility which will require monitoring to identify future accessibility issues that may be encountered. For example, facilities that currently meet ADA requirements could fall out of compliance in the future due to factors such as damage, disrepair, or changes within public rights-of-way that could create new accessibility obstacles. Therefore, the ADA Title II Coordinator and Transition Plan Implementation Coordinator will establish an on-going monitoring/inspection program or process to ensure that facilities continue to comply with ADA requirements. Agency employees will also be encouraged to report any accessibility concerns or deficiencies that are identified.

**Formal Adoption of ADA Transition Plan**

This ADA Transition Plan or, updated ADA Transition Plan is hereby adopted by the [Agency Name], effective Month of Year.

Signed:

___________________________________       _______________
ADA Title II Coordinator                        Date

___________________________________       _______________
ADA Transition Plan Implementation Coord.       Date

___________________________________       _______________
Authorizing Official                           Date
Appendices

A. Self-Evaluation
   A2. Building Facilities & Related Parking Lots/Facilities

B. Schedule and Budget Information

C. Public Outreach

D. Public Notice of ADA Requirements and Grievance Procedure

E. Contact Information

F. Agency ADA Design Standards and Improvement/Compliance Procedures

G. Glossary of Terms
Appendix A – Self-Evaluation

A public entity that employs 50 or more persons is required, for at least three years following the completion of the self-evaluation, to maintain on file and make available for public inspection:

- A list of the interested persons consulted;
- A description of areas examined and any problems identified; and,
- A description of any modifications made.

Interested Persons Consulted

Provide a list of interested persons who were consulted during the self-evaluation process, along with their comments/suggestions and descriptions of follow-up to address accessibility items or concerns that may have been identified.

Descriptions of areas examined, problems identified and any modifications made are listed in the following sections A1, A2 and A3.

The City/County has conducted a detailed evaluation of its communications, information and facility signage with regard to the ADA Title II requirements. The results are listed as follows.

Inventory & Findings

Add to this section a detailed listing of inventory items and findings from the self-evaluation, for the following topic categories/areas regarding Communications:

- Efforts to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
- Auxiliary aids and services provided by the agency to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, agency services, programs, or activities.
- Efforts to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- Signage at all inaccessible entrances to each of the agency’s facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.

Consider the following questions:

- Does the agency provide auxiliary aids (such as sign language interpreters, readers, Braille, large print text) upon request to program participants with disabilities?
- Does the agency notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcements)?
- Is the agency’s website and all of its contents accessible to individuals with hearing or visual impairments?
- Can hearing impaired individuals contact the agency via TTD/TTY phone line or an equally effective telecommunications system such as a relay service?

Create descriptions, tables or spreadsheets as needed to convey this information.

Identify specific items or areas where potential obstacles to accessibility were identified. Describe any initial modifications that have already been made to address the problems identified.

Within the main body of the Transition Plan, under the section on Communications, Information & Facility Signage / Improvement Schedule, fill in the details regarding the agency’s plans to implement additional improvements.
A2. Building Facilities & Related Parking Lots/Facilities

The City/County has conducted a detailed accessibility evaluation of each of its buildings, based on the ADA Checklist for Existing Facilities publication and/or list other established resources. The results are listed as follows.

Inventory & Findings

Add to this section a detailed listing of inventory items and findings from the self-evaluation, for each building that is owned, managed and/or maintained by the agency. Examples of building facilities include offices, garages, rest areas, and other types of buildings.

For each building facility, provide detailed descriptions of specific elements or features that play a role with regard to accessibility. The ADA Checklist for Existing Facilities publication provides an extensive checklist of typical building elements/features. The checklist follows four priority areas that were identified in the Department of Justice ADA Title III regulations:

- Priority 1 – Accessible approach and entrance
- Priority 2 – Access to goods and services
- Priority 3 – Access to public toilet rooms
- Priority 4 – Access to other items such as water fountains and public telephones

Under Priority 1, an accessible route from site arrival points and an accessible entrance to the facility should be provided. This includes evaluation of parking lots and other parking facilities (such as parking garages) with regard to ADA requirements for provision of accessible parking spaces. Refer to the Priority 1 section of the ADA Checklist for Existing Facilities for details.

Create descriptions, tables or spreadsheets as needed to convey this information.

Identify specific items or areas where accessibility barriers/issues were identified, and rank these in order of priority for improvement.

Describe any initial modifications that have already been made to address the problems identified.

Within the main body of the Transition Plan, under the section on Building Facilities / Improvement Schedule, fill in the details regarding the agency’s plans to implement improvements.

Maintenance Activities and Additional Items

Provide detailed information about the agency’s building maintenance activities for items/elements relating to accessibility (such as elevators, lifts, accessible entrances/doors, etc.).

The City/County has conducted a detailed accessibility evaluation of pedestrian facilities within the agency’s public rights-of-way. The results are listed as follows.

Inventory & Findings

Add to this section a detailed listing of inventory items and findings from the self-evaluation, for pedestrian facilities within the agency’s public rights-of-way. Examples of common types of pedestrian facilities include sidewalks, curb ramps, traffic control signals, trails, bus stops, and other types of facilities that would be used by pedestrians. Critical areas to evaluate include pedestrian paths/facilities that provide access to government offices, medical facilities, public buildings, commercial and business areas, school zones, libraries, residential areas, parks, etc.

For each type of facility, provide a detailed listing of the specific locations and features within the agency’s jurisdiction. For each location and feature, include comments regarding the level of accessibility compliance. Examples of possible assessment items include:

- XX% of sidewalks met accessibility criteria
- XX% of curb ramps met accessibility criteria
- XX% of intersections did not have any curb ramps
- XX% of intersections have curb ramps that do not meet current ADA criteria
- XX% of crosswalks met accessibility criteria
- XX% of bicycle/pedestrian trails met accessibility criteria
- XX% of traffic control signals had push buttons that are accessible, or had the pedestrian indications on recall
- XX% of traffic control signals had Accessible Pedestrian Signals (APS)
- XX% of bus stops (and/or other transit facilities) met accessibility criteria
- XX% of bus stops (and/or other transit facilities) had amenities that met accessibility criteria

If the agency is responsible for other parking areas – such as on-street parking – that have not already been addressed within Appendix A2 (Building Facilities and Related Parking Lots/Facilities), they should be addressed here with regard to ADA requirements for provision of accessible parking spaces.

Create descriptions, tables or spreadsheets as needed to convey this information.

Identify specific items or areas where accessibility barriers/issues were identified, and rank these in order of priority for improvement.
Describe any initial modifications that have already been made to address the problems identified.

Prepare and include a **curb ramp installation schedule** to address specific locations where accessibility improvements are needed.

Within the main body of the Transition Plan, under the section on Pedestrian Facilities / Improvement Schedule, fill in the details regarding the agency’s plans to implement additional improvements.

**Maintenance Activities and Additional Items**

Provide detailed information about the agency’s activities regarding maintenance of pedestrian facilities within the public rights-of-way. Examples of typical maintenance items relating to accessibility include: snow removal and ice control for sidewalks, sidewalk repair policy, renewal of crosswalk markings, and signal hardware.

If the agency is responsible for construction, maintenance or utility work areas/zones that impact sidewalks, crosswalks or other pedestrian access routes, include information here about planning and design methods used to provide advance warning and positive guidance to enhance safety and accessibility for these types of situations. Include reference to applicable resources, such as the *Pedestrian Checklist and Considerations for Temporary Traffic Control Zones* and the *Ohio Manual of Uniform Traffic Control Devices*.
### Appendix B – Schedule and Budget Information

#### Overview

Based on the accessibility obstacles/issues identified through the self-evaluation process, and the need to implement improvements in order to comply with ADA accessibility standards, the Agency Name has prepared the following schedule and budget estimates.

<table>
<thead>
<tr>
<th>Accessibility Category</th>
<th>Projected Costs for Accessibility Improvements/Projects</th>
<th>Estimated Sub-Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 1 (20XX)</td>
<td>Year 2 (20XX)</td>
</tr>
<tr>
<td>Communications¹</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>Building Facilities²</td>
<td>$_______</td>
<td>$_______</td>
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<tr>
<td>Pedestrian Facilities - After 1/26/1991³</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>Pedestrian Facilities - Priority Areas⁴</td>
<td>$_______</td>
<td>$_______</td>
</tr>
<tr>
<td>Pedestrian Facilities - Entire Jurisdiction⁵</td>
<td>$_______</td>
<td>$_______</td>
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</tbody>
</table>

**Estimated Total Cost:** $__________

¹ Aim to complete all accessibility improvements needed for *Communications, Information & Facility Signage* by the end of Year 2.

² Aim to complete all accessibility improvements needed for *Building Facilities* by the end of Year 5.

³ Aim to have 100% of *Pedestrian Facility features constructed after January 26, 1991* be ADA compliant by the end of Year 5.

⁴ Aim to have 80% of *all Pedestrian Facility features (including those constructed on or before January 26, 1991) within the priority areas identified by City/County staff* be ADA compliant by the end of Year 10. Continue with additional improvements after Year 10 as feasible.

⁵ Aim to have 80% of *all pedestrian facility features (including those constructed on or before January 26, 1991) within the entire jurisdiction of Agency Name* be ADA compliant by the end of Year 20.
Discussion & Improvement Project Information

As indicated in the table on the previous page, the Estimated Total Cost associated with providing ADA accessibility within the categories of Communications, Building Facilities and Pedestrian Facilities is $_________. This amount represents a significant investment that Agency Name is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to accommodate this cost within the City's/County's budget for accessibility improvements.

<table>
<thead>
<tr>
<th>Project / Location</th>
<th>Estimated Budget</th>
<th>Schedule</th>
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</thead>
<tbody>
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</tbody>
</table>

*All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards.

Insert detailed Capital Improvement Program (CIP) information here, including schedule and budget estimates for specific accessibility improvement projects.

Add any other special ADA improvement project information as may be applicable.
Appendix C – Public Outreach

Insert detailed information regarding Public Outreach activities here. This may include Outreach agendas and sign-in sheets, as well as description of notification methods.

Provide a summary of public comments received.
Appendix D – Public Notice of ADA Requirements and Grievance Procedure

As required by the Americans with Disabilities Act, the City/County has posted the following notice outlining its responsibilities with regard to ADA compliance.

Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, Agency Name will not discriminate against qualified individuals on the basis of disability in City's/County's services, programs or activities.

Employment: The City/County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City/County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's/County's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: The City/County will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all City/County programs, services and activities. For example, individuals with service animals are welcomed in City/County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City/County program, service or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event: add Name, Title, Office Address and Office Phone Number here.

The ADA does not require the City/County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City/County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.
Sample Grievance Procedure (Source: www.ada.gov)

[Name of public entity]
Grievance Procedure under
the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the [name of public entity]. The [e.g. State, City, County, Town]'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Insert ADA Coordinator’s name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator’s mailing address]

Within 15 calendar days after receipt of the complaint, [ADA Coordinator’s name] or [his/her] designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, [ADA Coordinator’s name] or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the [name of public entity] and offer options for substantive resolution of the complaint.

If the response by [ADA Coordinator’s name] or [his/her] designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the [City Manager/County Commissioner/ other appropriate high-level official] or [his/her] designee.

Within 15 calendar days after receipt of the appeal, the [City Manager/County Commissioner/ other appropriate high-level official] or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the [City Manager/County Commissioner/ other appropriate high-level official] or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
All written complaints received by [name of ADA Coordinator] or [his/her] designee, appeals to the [City Manager/County Commissioner/other appropriate high-level official] or [his/her] designee, and responses from these two offices will be retained by the [public entity] for at least three years.
Appendix E – Contact Information

ADA Title II Coordinator
Name: 
Job Title: 

Office Address:

Phone:
Fax:
E-mail:

ADA Transition Plan Implementation Coordinator
Name: 
Job Title: 

Office Address:

Phone:
Fax:
E-mail:

Other
Appendix F – Agency ADA Design Standards and Improvement/ Compliance Procedures

ADA Resources and Design Standards

Add text here to describe your Agency’s use or adoption of specific ADA Design Standards as applicable.

Federal Highway Administration (FHWA) - Civil Rights - ADA/Section 504

Americans with Disabilities Act Accessibility Guidelines (ADAAG)


Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)

2010 ADA Standards for Accessible Design

ADA Checklist for Existing Facilities

ADA Best Practices Tool Kit for State and Local Governments

ADA Update: A Primer for State and Local Governments

Ohio Manual of Uniform Traffic Control Devices

Americans with Disabilities Act of 1990, as Amended (2008)

Title 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services

Improvement/Compliance Procedures

The challenge of dealing with physical or site constraints in alteration projects has been recognized by the authors of ADA accessibility standards for years. The Civil Rights Division of the U.S. Department of Justice has recognized that there could be instances where it might be technically infeasible to construct an alteration in full and strict compliance with ADA accessibility standards, because of physical or site constraints. In such circumstances, state and local agencies must provide accessibility to the maximum extent feasible. Before reaching a conclusion about technical infeasibility, state and local agencies need to consider the extent to which physical or site constraints could be addressed by alternative designs. The burden of proving technical infeasibility rests with the agency/owner that is responsible for the facility, element or feature.
Intersection Corners
The City/County will work in good faith to have curb ramps or blended transitions constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each intersection corner shall be made as compliant as possible in accordance with the judgment of City/County staff.

Sidewalks / Trails
The City/County will work in good faith to have sidewalks and bicycle/pedestrian trails constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City/County staff.

Traffic Control Signals
The City/County will work in good faith to have traffic control signals constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City/County staff.

Bus Stops
The City/County will work in good faith to have bus stops constructed or upgraded to achieve ADA compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of a project. If so, those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved in all cases, each bus stop location shall be made as compliant as possible in accordance with the judgment of City/County staff.
Other Transit Facilities
Additional transit facilities are present within the limits of Agency Name. Those facilities fall under the jurisdiction of Transit Provider(s). Agency Name will work with Transit Provider(s) to address compliance with the applicable accessibility standards.

Other policies, practices and programs
The City's/County's other policies, practices and programs not identified in this document will follow the applicable ADA standards.
Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** Transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements, and aims to ensure that all transportation facilities, services, programs, and activities are accessible to all individuals.

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the ADA.

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibrotactile formats.

**Alteration:** A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** Contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

**APS:** See Accessible Pedestrian Signal.

**Architectural Barriers Act (ABA):** Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

**Capital Improvement Program (CIP):** The CIP for a public agency typically includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the agency’s transportation system.

**Detectable Warning:** A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.
DOJ: See United States Department of Justice.

Federal Highway Administration (FHWA): A branch of the U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration.

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the Guidelines for Accessible Public Rights-of-Way issued in 2005 by the U.S. Access Board. This guidance addresses roadway design practices, slope and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking and other components of public rights-of-way.

Right-of-Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity’s jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Federal Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally-funded facilities.

United States Department of Justice: Federal executive department responsible for enforcement of the law and administration of justice (also referred to as the Justice Department or DOJ).